

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

ADT, LLC	§	
	§	Cases 16-CA-144548
Respondent,	§	16-CA-168863
	§	16-CA-172713
and	§	16-CA-179506
	§	16-CA-189805
COMMUNICATIONS WORKERS OF	§	16-CA-187497
AMERICA, AFL-CIO,	§	16-CA-191963
	§	16-CA-199947
Charging Party.	§	16-CA-200961
	§	16-CA-209070
	§	16-CA-209995

**CHARGING PARTY COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO'S  
RESPONSE IN OPPOSITION TO ADT, LLC'S SECOND REQUEST FOR AN  
EXTENSION OF TIME TO FILE EXCEPTIONS AND MEMORANDUM IN SUPPORT  
OF EXCEPTIONS AND AN EXTENSION TO THE PAGE LIMIT  
IN SUPPORT OF EXCEPTIONS**

COMES NOW Charging Party Communications Workers of America, AFL-CIO ("CWA") and files this response in opposition to the January 2, 2019 request for an extension filed by Respondent ADT, LLC ("ADT"), and in support of its opposition, CWA would respectfully show the National Labor Relations Board the following:

1. CWA filed charge 16-CA-144548 on January 15, 2015.<sup>1</sup> Over an almost three-year period of time, ten additional charges were filed that were ultimately consolidated together for a five-day trial that commenced on March 20, 2018 and concluded on May 1, 2018.

Administrative Law Judge ("ALJ") Robert Ringler issued the decision in this case on November 16, 2018.

2. On December 6, 2018, ADT sought an extension of sixty days to file exceptions to the ALJ's decision. The General Counsel and CWA opposed the request for a sixty-day

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<sup>1</sup> See <https://www.nlr.gov/search/cases/16-CA-144548>, last visited on January 4, 2019.

extension, but both consented to a thirty-day extension. The Board granted an extension to January 11, 2019 for ADT to file exceptions.

3. ADT filed a second request for an extension on January 2, 2019<sup>2</sup>, which sought an extension to February 10, 2019. This request essentially renews its previously denied request for a sixty-day extension from the date of the ALJ's November 16, 2018 decision.

4. Under the NLRB's Rules and Regulations, exceptions to the decision of an ALJ are due within twenty-eight days of the ALJ's decision. R&R § 102.46(a). Answering briefs are due within fourteen days of service of the exceptions. R&R § 102.46(b)(1).

5. ADT's January 2<sup>nd</sup> request for an additional thirty days to prepare exceptions would, if granted, provide it with close to three months to prepare exceptions. This amount of time is almost triple that which is provided under the Board's rules for the preparation of exceptions. Even accounting for the three intervening holidays, CWA submits that the fifty-six days provided to ADT under the current deadline of January 11<sup>th</sup> are sufficient to prepare exceptions in this case.

6. Further, ADT's request for exceptions to be filed by Sunday, February 10, 2019 would result in exceptions being due on February 11, 2019 pursuant to R&R § 102.2(a).

7. Therefore, consistent with CWA position in December 2018 opposing ADT's request for a sixty-day extension for filing exceptions, CWA opposes ADT's request for an extension to February 10, 2019.<sup>3</sup>

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<sup>2</sup> Counsel for ADT emailed counsel for CWA on December 31, 2018 concerning the request but counsel for CWA was out of the office due to the holidays and not checking email. Counsel for CWA was also out of the office on January 2, 2019 due to health reasons when counsel for ADT sent a second email concerning the request.

<sup>3</sup> CWA takes no position on ADT's request to file briefs in excess of forty pages because R&R 102.46(h) already provides that briefs for exceptions cannot exceed fifty pages in length.

WHEREFORE, PREMISES CONSIDERED, Charging Party Communications Workers of America, AFL-CIO prays the National Labor Relations Board deny ADT's request for an additional thirty-day extension to file exceptions in this case.

Respectfully Submitted,

DAVID VAN OS & ASSOCIATES, P.C.

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## **CERTIFICATE OF SERVICE**

This section is to certify service of the above and foregoing instrument has been forwarded electronically to the parties below on January 4, 2019 as follows:

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